

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DERRICK JEROME LEWIS,

Plaintiff,

v.

MUELLER, et al.,

Defendants.

**CASE NO. 1:23-cv-01093-GSA-PC**

**ORDER DIRECTING THE CLERK'S  
OFFICE TO ADMINISTRATIVELY  
RE-DESIGNATE THIS ACTION AS  
A 440 CIVIL ACTION AND  
RANDOMLY REASSIGN THE CASE  
TO A MAGISTRATE JUDGE  
OTHER THAN MAGISTRATE  
JUDGE GARY S. AUSTIN**

This case was filed on July 20, 2023, by Derrick Jerome Lewis, a state prisoner proceeding *pro se*. (ECF No. 1.) The action was designated at case opening as a prisoner conditions-of-confinement case. However, a review of the claims shows that this is a regular civil case, and it shall be redesignated as such.

Therefore, the Clerk's Office is **HEREBY DIRECTED** to:

1. Re-designate this action as a 440 civil action;
2. Randomly assign this case to a magistrate judge other than Magistrate Judge Gary S. Austin, and a District Judge if appropriate, for any further proceedings; and
3. The parties are directed to omit the PC designation from the new case number.

IT IS SO ORDERED.

Dated: July 27, 2023

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE